

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

JIMMIE TROUTMAN

v.

UNITED STATES OF AMERICA

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: CIVIL NO. CCB-14-3241  
: Criminal No. CCB-04-0144  
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**MEMORANDUM**

The motion to vacate under 28 U.S.C. § 2255 filed on October 16, 2014, by federal prison inmate Jimmie Troutman (ECF No. 39) has been reviewed, together with the supplemental petition filed June 28, 2016 (ECF No. 64), and all related memoranda. The motion is **DENIED** for the following reasons.

First, as to all but one claim, the petition is time-barred. Troutman was sentenced on March 28, 2005, and did not appeal. His § 2255 petition was not filed until 2014, and there is no basis for equitable tolling.

Second, the claims in the original petition are without merit. There was no § 851 enhancement or upward departure, and counsel was not ineffective.

Third, as to the claim brought under *Johnson v. United States*, 135 S. Ct. 2551 (2015), which is not time-barred, it fails on the merits. Troutman was sentenced as a career offender on the basis of two prior serious drug offenses. (Resp. in Opp'n § 2255 Petition Ex. 2, Sent'g Trsp. 4–5, ECF No. 50-2; *id.* Exs. 3 & 4, Florida convictions, ECF Nos. 50-3 & 50-4). *See also* U.S.S.G. § 4B1.1(a). Whether those drug offenses qualify as predicates for the career offender

guidelines is not affected by *Johnson*. Accordingly, no relief is warranted and a certificate of appealability will not be issued. A separate Order follows.

December 6, 2016  
Date

/S/  
Catherine C. Blake  
United States District Judge